

**REMARKS**

This is in response to the Official Action currently outstanding with regard to the above-identified application.

By the foregoing Amendment, Claims 5-8 have been amended. No claims are cancelled or added. Further, no additional claims are withdrawn. Accordingly, upon the entry of the foregoing Amendment, Claims 5-14 as hereinabove amended will constitute the claim under active prosecution in this application.

The claims of this application are reproduced above showing the changes made by this amendment and including appropriate status identifiers as required by the Rules.

In the currently outstanding Official Action the Examiner has:

1. Acknowledged Applicants claim for foreign priority under 35 USC 119 (a)-(d) or (f) and has acknowledged the receipt of the required copies of the priority documents by the United States Patent and Trademark Office:
2. Indicated his acceptance of the drawings filed with this application on 24 September 2003;
3. Provided Applicants with a Notice of References Cited (Form PTO-892);
4. Acknowledge his receipt and consideration of Applicants' Information Disclosure Statements of 4 March 2004, 11 February 2004 and 24 September 2003 by providing Applicants with copies of the Forms PTO-1449 that accompanied those Information Disclosure Statements duly signed, dated and initialed by the Examiner in confirmation of his consideration of the art listed therein;

5. Correctly indicated that Claims 15-33 stand withdrawn from further consideration in this application as being directed to non-elected inventions; and
6. Rejected Claims 5-14 under 35 USC 102(b) as being anticipated by Wachi (JP Publication No. 07-021588 – machine translation provided).

Further comment regarding items 1-5 above is not deemed to be required in these Remarks.

With respect to item 6, Applicants respectfully note that by the foregoing Amendment independent Claims 5 and 6 of this application have been amended so as to indicate that the claimed optical disc includes information recorded thereon in accordance with a change of the polarity of a signal representing difference in intensity distribution of a reflected light beam along a tangential direction of a pit string of a pit having a first depth relative to that of a pit having a second depth. Further, independent Claim 7 has been amended so as to indicate that the claimed optical disc includes information recorded thereon by the combination of signals indicative of a quantity of reflected light from pits having at least two different depths and a signal indicative of a difference in intensity distribution of the reflected light beam along a tangential direction of the pit string. Finally, Claim 8 has been amended so as to indicate that the claimed optical disk includes additional information recorded thereon by a difference in the depth of the pits.

In summary, the claims of this application now have been amended so as to specifically indicate that the claimed optical disc includes information recorded thereon by virtue of the change in polarity of a tangential push-pull signal or the difference in the depth of the pits formed therein.

Applicants respectfully submit that the Wachi reference failed to teach, disclose or suggest that information is, or should be or could be, recorded on an optical disc either by a change in the polarity of a tangential push-pull signal derived from pits formed in the disc or by a difference in the depth of pits formed in the disc. In this regard, Applicants respectfully submit that the Wachi reference is directed only to the removal of a so-called "direct-current-offset" from the signals utilized to control a tracking servo for a laser reading an optical disc (see paragraphs 0013 and 0018 as well as last line of paragraph 0051 of Wachi). Further, attention is respectfully directed to paragraph 0016 and Claim 5 of the Wachi reference (among other locations therein) wherein Applicant respectfully submits that Wachi makes it clear that the information recorded on the optical disc therein disclosed resides only either in a pit or on a land portion between guide rails for tracking. Applicants can find no mention in the Wachi reference of any other location or means for storing information on the optical disc therein disclosed.

Accordingly, since it is required that a single reference include all of the claimed limitations acting together in the same way as claimed in order to justify a rejection based upon anticipation under 35 USC 102(b), Applicants respectfully submit that the Wachi reference fails to anticipate, or for that matter teach or suggest, the present invention as claimed in the claims of this application as hereinabove amended.

In view of the foregoing, Applicants respectfully submit that the claims of this application as hereinabove amended are now in condition for allowance. Reconsideration in view of the foregoing Amendment and Remarks, and allowance of this application as hereinabove amended in response to this communication are respectfully requested.

Applicants also believe that additional fees beyond those submitted herewith are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. **04-1105**, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

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